



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI

GOVERNOR

DAVID P. LITTELL

COMMISSIONER

February 14, 2006

Subject: Solvent Contaminated Wipers Management guidance document,
effective April 19, 2005

Dear Solvent Contaminated Wipers Group Stakeholder:

Since becoming commissioner of the Maine Department of Environmental Protection in December I have reviewed a number of guidance and policy documents prepared by the department. One of my objectives is to insure that all guidance documents are developed in a similar fashion and receive a consistent level of review.

With regard to the "Solvent Contaminated Wipers Management" guidance, review and approval by the Deputy Commissioner or the Director of Policy did not take place. As a result, legal issues that should have been identified were not. Specifically, the guidance's provision that allows for the incineration of "wipers" is in conflict with federal rule. Thus we must correct it immediately. It is therefore necessary to rescind the provision of the Solvent Contaminated Wipers Management guidance (section 6.C.3), effective this date.

The remainder of the guidance will remain in effect until further notice. That said, because this review is ongoing, it is possible that additional modification may be necessary. The Department will notify the stakeholders when the review is complete and advise if additional changes are deemed appropriate. In that event, we may request that the affected parties re-convene to evaluate the contents of the guidance and its implications for the regulated community and the environment.

On a parallel track, the department is working with counter parts at the United States Environmental Protection Agency to evaluate the status and content of federal policy and regulatory developments on the issue of solvent contaminated wipers. Developments at that level may have bearing on the future status of the Maine guidance to the extent federal guidance is or is not provided.

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In the interim, I am requesting your assistance to help distribute this information to the members of your trade associations so that Maine's business community will be aware that it is not permissible to incinerate wipers contaminated by listed hazardous wastes.

Please contact me at 287-2812 or Deborah Garrett, Acting Deputy Commissioner, at 287-2811 if you have any question regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Littell', with a long horizontal flourish extending to the right.

David P. Littell
Commissioner

Cc: Deborah Garrett, Deputy Commissioner
Ron Dyer, Director, Innovation and Assistance
Jim Brooks, Director, Bureau of Air Quality
Mark Hyland, Acting Director, Remediation and Waste Management
Andrew Fisk, Director, Bureau of Land and Water Quality
Jim Dusch, Director, Policy Services